

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 S, Closed Area No. 54-B, Indian River, promulgated on November 19, 1991, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 B3, Closed Area No. 54-B, Indian River, Addison-Jonesport.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Indian River, in the towns of Addison and Jonesport, northerly (upriver) of a line drawn across the Indian River where it first narrows to about 1000 feet in width (about 1000 yards south of where route 187 crosses said river). This line begins at the most southeastern tip of Sugar Point (so called) in the town of Addison and runs easterly across the river to the nearest point on the east shore (Noyes Point, so called) in Jonesport.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: January 11, 1995

AGENCY CONTACT PERSON: Robert D. Lewis
Department of Marine Resources
State House Station #21
Augusta, ME 04333

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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals Closed Area No. 54-B, Indian River, promulgated on November 19, 1991, and replaces it with a new regulation. This new regulation decreases the size of the closed area by opening all of the previously closed area except the north end of Indian River. This opens the shores and flats from Grays Cove in Addison, and Snare Creek in Jonesport to the mouth of the Indian River. Samples and surveys show that these flats can now be opened for shellfish harvest without threat to public health.

Department personnel have also sampled, surveyed, and determined that the area still closed (Indian River) is subject to intermittent microbiological pollution and that shellfish harvest therein must be prohibited to protect the public health.


E. PENN ESTABROOK
Deputy Commissioner

